

**SUMMARY OF MAJOR CHANGES TO
DOD 7000.14-R, VOLUME 14, CHAPTER 9
“DISCIPLINARY ACTION”**

Substantive revisions are denoted by a ★ preceding the section, paragraph, table or figure that includes the revision

Hyperlinks are designated with *underlined, bold italic fonts*

PARA	EXPLANATION OF CHANGE/REVISION	PURPOSE
★0901	Deleted reference to canceled DoD Directive 7200.1.	Deletion
★0901	Requirement that independence of disciplinary officers must be verified per DCFO memorandum, July 6, 2005.	Update
★0902	Requirement that Antideficiency Act violations constitute a misuse of DoD funds. per DCFO memorandum, July 6, 2005.	Update

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DISCIPLINARY ACTION★0901 ADMINISTRATIVE DISCIPLINE

A military member or DoD employee who is responsible for an Antideficiency Act Violation shall be subject to appropriate administrative discipline. Appropriate administrative discipline for violations of Title 31, United States Code, Section 1341 or Section 1342 or Title 31, United States Code, Section 1517, is authorized by Title 31, United States Code, Section 1349 or Title 31, United States Code, Section 1518. The types of disciplinary actions that are appropriate when a provision of a law, rule, or regulation is violated can be found in Title 5, United States Code, Section 1215.

090101. A disciplinary officer's decision to administer a given level of discipline shall be in accordance with applicable laws and negotiated agreements. In no case can any due process be eliminated.

A. An appointment of a disciplinary officer may be made or reviewed by the Under Secretary of Defense (Comptroller), an Assistant Secretary of a Military Department for Financial Management, or the Comptroller or Senior Financial Manager for other DoD Components. The appointment of the disciplinary officer may need to be bargained, depending upon the status of the employee and the content of the applicable negotiated bargaining agreements. The independence of disciplinary officers must be verified before their selection. Disciplinary officers shall be chosen only to review cases and administer discipline. In no case shall the investigating officer also be appointed as the disciplinary officer. The investigating officer shall not make recommendations or determine discipline. A civilian employee must be given a proposal letter and an opportunity to respond before discipline is assessed.

B. Commanders and supervisors, with the assistance of counsel, shall determine discipline based on the investigating officer's facts. A disciplinary officer's decision shall not be influenced or undermined by any individual.

C. The Assistant Secretary of a Military Department for Financial Management, or the Comptroller or Senior Financial Manager for other DoD Components must notify their commands to appoint disciplinary officers whose individual independence is free from any influence.

090102. Administrative discipline for a civilian employee may include written admonishment or reprimand, reduction in grade, suspension from duty without pay, or removal from office.

090103. Military personnel may be subject to appropriate administrative discipline or may be subject to action under the Uniform Code of Military Justice.

090104. If an individual determined to be responsible for a violation is no longer on active duty or employed by the applicable DoD Component, appropriate disciplinary action may be pursued if determined to be legally appropriate by counsel. In general civilians may not be disciplined after they are no longer employed by the U.S. Government. If disciplinary action is taken, such action shall be documented in the individual's personnel file in accordance with established policies.

★0902 DOCUMENTING DISCIPLINARY ACTION

A violation of the Antideficiency Act is a serious matter as it represents a violation of a Federal statute. Antideficiency Act violations constitute a misuse of DoD funds even if the violation was not willfully or knowingly committed. The individual who is responsible for determining the appropriate disciplinary action shall perform the following tasks:

090201. Acknowledge, in writing, that he or she understands that (a) a violation of the Antideficiency Act is a violation of Federal statute; (b) Antideficiency Act violations constitute a misuse of DoD funds even though the misuse may not have been knowing or willful, and despite whether the disciplinary officer considers the misuse harmful to DoD, the Military Department or Service, or to the Defense Agency; (c) the Department is required to report the violation to the President (via the Director, Office of Management and Budget), the U.S. Congress, and to the Government Accountability Office; (d) an unwillful or unintentional violation does not justify a decision to not administer disciplinary action; and (e) disciplinary action shall be commensurate with the severity of the violation, and factors leading to the violation or its resolution may be considered.

090202. Provide a written statement addressing why he or she believes that the disciplinary action taken, or the failure to take disciplinary action, is commensurate with the severity of the violation. If there are extenuating circumstances, they must be considered.

090203. Include both statements discussed above in the report of investigation.

★0903 CRIMINAL PENALTIES

090301. If a violation has been determined to have been knowingly and willfully committed, there are statutory provisions requiring criminal penalties. Thus, an officer or employee found responsible for committing a violation knowingly and willfully may be subject to criminal penalties. All investigations that provide any indications that the violation was knowingly and willfully committed shall be terminated by the investigating officer. The investigating officer should consult with legal counsel to determine if the investigation should be referred to the appropriate criminal investigation organization for action.

090302. [*Title 31, United States Code, Section 1350*](#), prescribes that an officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating [*Title 31, United States Code, Section 1341 or Section 1342*](#), shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both. [*Title 31, United States Code, Section 1519*](#) discusses the violation of [*Title 31, United States Code, Section 1517*](#) and provides the same level of punishment. Criminal penalties for military personnel may include punishment under Article 15 of the Uniform Code of Military Justice or trial by Courts Martial.

090303. When submitting a final summary report of violation to the Office of the Under Secretary of Defense (Comptroller) that may require criminal penalties, a statement to that effect--which is required by [*OMB Circular A-11*](#)--shall be included in the summary report from the Assistant Secretary of the Military Department for Financial Management, or the Comptroller or Senior Financial Manager for other DoD Components.